

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DENISE MCLOUD, et al.,  
Plaintiffs,  
v.  
COUNTY OF SONOMA, et al.,  
Defendants.

Case No. [22-cv-04284-HSG](#)

**ORDER GRANTING TEMPORARY  
RESTRAINING ORDER**

Re: Dkt. Nos. 1, 6

A temporary restraining order is an “extraordinary remedy” that the court should award only upon a clear showing that the party is entitled to such relief. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Such an order may be issued only where the moving party has established: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to plaintiff in the absence of preliminary relief; (3) the balance of equities tips in plaintiff’s favor; and (4) that an injunction is in the public interest. *See id.* at 22.

This Court may issue a temporary restraining order without written or oral notice only if (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant’s attorney certifies in writing any efforts made to give notice and the reasons it should not be required. Fed. R. Civ. P. 65(b)(1).

In this case, on the morning of Monday, July 25, 2022, pro se Plaintiffs filed (1) a complaint, motion for temporary restraining order, and motion for preliminary injunction; and (2) a separate motion for temporary restraining order. Dkt. Nos. 1, 6. Plaintiffs allege that they are unhoused residents of a portion of the Joe Rodota Regional Trail in Santa Rosa, California. Dkt. No. 1 at ¶¶ 1–6, 16. Plaintiffs allege that on Friday, July 22, 2022, they were served eviction

1 notices by Sonoma County Regional Park Rangers, which indicated that they had to relocate by  
 2 Tuesday, July 26, 2022, at 8:00 a.m., or they would be arrested. *See id.* at ¶¶ 19, 25. Plaintiffs  
 3 further allege that they have not been offered alternative shelter, and do not believe Defendants  
 4 have “genuine plan[s]” to “stor[e] people’s property . . . .” *See id.* at ¶¶ 19, 23–24, 26–27, 32. To  
 5 the contrary, Plaintiffs allege that regional park rangers “have been destroying people’s  
 6 property . . . .” *Id.* at ¶ 24.

7 It is not clear to the Court why Plaintiffs waited until the day before the potential clearing  
 8 to file this action, when they received the notice several days ago. Nevertheless, the Court finds  
 9 that Plaintiffs have clearly shown that immediate and irreparable injury—specifically the removal  
 10 of Plaintiffs and their belongings from the place they are now living—will occur before the  
 11 Defendants can be heard in opposition. Based on the timing of the noticed action, by the time the  
 12 papers could be served and a hearing held, Plaintiffs’ claims would essentially be moot. Because  
 13 Plaintiffs are not e-filers, and only some of them have provided email addresses, the next business  
 14 day that the Court can reasonably provide adequate notice to all involved and hold a hearing is  
 15 Wednesday, July 27, 2022, at 10:00 a.m.

16 In addition, because the Plaintiffs are pro se, it is not clear whether the requirements of  
 17 Rule 65(b)(1)(B), which impose a duty on “the movant’s attorney,” are applicable here. Given the  
 18 imminent nature of the challenged action and resulting irreparable harm shown, the Court finds  
 19 that the requirements of Rule 65(b)(1) are met.

20 Accordingly, the Court **GRANTS** Plaintiffs’ motion for a temporary restraining order,  
 21 solely to maintain the status quo until the earliest possible hearing on the merits of the TRO  
 22 request. Defendants are enjoined from proceeding with the clearing and eviction of those  
 23 currently residing on the Joe Rodota Regional Trail until a hearing can be held on the merits of  
 24 Plaintiffs’ request. This order issued on July 25, 2022, at 1:55 p.m.


25 The Clerk is **DIRECTED** to serve this Order on the Plaintiffs by email at  
 26 [bbarnardknowledge@gmail.com](mailto:bbarnardknowledge@gmail.com); [kandersonfrancois@gmail.com](mailto:kandersonfrancois@gmail.com); and [timr9725@gmail.com](mailto:timr9725@gmail.com). The  
 27 Clerk is further **DIRECTED** to serve this Order; the complaint, motion for temporary restraining  
 28 order, and preliminary injunction (Dkt. No. 1); and the emergency application for temporary

1 restraining order and preliminary injunction (Dkt. No. 6) on Defendants at  
2 [matthew\\_lilligren@sonoma-county.org](mailto:matthew_lilligren@sonoma-county.org); [robert.pittman@sonoma-county.org](mailto:robert.pittman@sonoma-county.org); [parks@sonoma-](mailto:parks@sonoma-county.org)  
3 [county.org](mailto:county.org); [bert.whitaker@sonoma-county.org](mailto:bert.whitaker@sonoma-county.org); [rhammond@srcity.org](mailto:rhammond@srcity.org).

4 A hearing on Plaintiffs' motion for a temporary restraining order is set for Wednesday,  
5 July 27, 2022, at 10:00 a.m. in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA. All  
6 parties shall attend in-person.

7 **IT IS SO ORDERED.**

8 Dated: 7/25/2022

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10 HAYWOOD S. GILLIAM, JR.  
11 United States District Judge  
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